



March 14, 2011

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: Written Ex Parte Communication - WC Docket 07-245

Dear Ms. Dortch,

NextG Networks, Inc., provides this ex parte communication on behalf of its operating subsidiaries NextG Networks of NY, Inc., NextG Networks of California, Inc., NextG Networks Atlantic, Inc., and NextG Networks of Illinois, Inc. ("NextG"). NextG is an industry leader for designing, deploying and operating fiber-fed distributed antenna system ("DAS") networks. NextG has currently deployed more than 5,500 DAS nodes and is working to construct an additional 1,000 nodes nationwide at this time.

In this proceeding, the Commission is considering the adoption of rules that will impact the attachment of wireless facilities to utility poles. Specifically, the Commission is considering timelines for engineering review and make-ready work necessary for the installation of wireless attachments. NextG strongly encourages the Commission to adopt the same timelines for wireless attachments as proposed for wireline attachments. In most cases wireless attachments do not require additional time to review or conduct make-ready work.<sup>1</sup> In fact, installations in the communications space of a pole will often require coordination of multiple parties, whereas the installation of a pole top antenna only requires coordination with one party: the electric utility.

Although NextG, and many parties on this docket, have experienced significant delays in attempts to attach wireless facilities to utility poles,<sup>2</sup> the review and make-ready timelines for wireless attachments should not take any more time to complete than wireline attachments. NextG has had successful deployments where all of the necessary wireless make-ready work was completed within the wireline timelines. In fact, in a couple of recent network deployments where the pole owner worked cooperatively with NextG to assist in the review and make-ready process and allowed NextG to utilize third-party contractors to complete the make-ready work, all of the make-ready requirements were completed below the wireline make-ready timeframes:

1. In North Carolina, NextG has built several DAS networks. After the first 12 nodes (antenna and associated equipment installations), which included some administrative lag time in response to NextG's initial application submittals, NextG

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<sup>1</sup> See Attached Declaration of Jack Duff.

<sup>2</sup> Which are detailed in NextG's Comments and Reply Comments submitted in the above-subject docket.



submitted additional node applications, all of which have been reviewed and approved within 30 days, allowing NextG to proceed with the subsequent make-ready modifications to the poles. In this case, because the utility authorized NextG to utilize one of its authorized vendors to complete the make-ready modifications, NextG was able to complete all of the make-ready work within seven days with no impact to the utility's regular work.

2. In Pennsylvania, NextG has built over 800 poletop wireless installations. Here, the engineering review typically takes 45 days. However, because NextG is authorized to complete the make-ready work using a utility-approved contractor in accordance with utility specifications, the make-ready work is typically completed within seven days.

In both of these examples, NextG was able to work cooperatively with the electric utilities and deploy its wireless facilities in a timely fashion. The completion of make-ready work in such short timeframes was only possible because the electric utility allowed NextG to use its authorized contractors to complete the make-ready work. This process, of utilizing third-party contractors to complete the make-ready work, has proven time and again to result in the deployment of NextG's wireless facilities in a timely fashion.

NextG also strongly encourages the Commission to adopt a rule that requires pole owners to utilize third-party contractors where the utility itself is unable to meet the review and make-ready timelines utilizing in-house resources. As Mr. Duff explains in the attached declaration, properly qualified electric contractors will ensure that all of its workers are qualified to work in the electrical space in accordance with Occupational Safety and Health Administration ("OSHA") requirements, 29 C.F.R. §1910.269. In our experience, utility approved electric contractors conduct equipment and safety training and meet all of the safety and technical standards of the electric utilities for which they are qualified to do work.

Finally, in adopting timelines, it is critical that the Commission reject proposed exceptions to the timelines. In their comments, electric utilities have requested numerous exceptions to the proposed timelines. However, such exceptions are problematic if the deadline is easily avoided through exceptions that swallow the rule. With such exceptions, the deadline will not accomplish the intended effect: to help ensure that affordable, competitive broadband services are available quickly and on a cost-effective basis in markets throughout the country.

If you need any further information regarding this submission, the undersigned can be reached at [rmillar@nextgnetworks.net](mailto:rmillar@nextgnetworks.net) or 510-290-3086.

Respectfully submitted

Robert Millar  
Senior Regulatory Counsel

Enclosure: Jack Duff Declaration

**NextG Networks, Inc.**

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

Implementation of Section 224 of the Act;  
A National Broadband Plan for Our Future

WC Docket No. 07-245  
GN Docket No. 09- 51  
FCC 10-84

**Declaration of Jack Duff**

1. My name is Jack Duff, I am Vice President of Carr & Duff, Inc (“Carr & Duff”). Carr & Duff is a multifaceted electrical construction company serving Pennsylvania, Delaware and New Jersey. Headquartered in Huntingdon Valley, PA, with a satellite office in Philadelphia we have the manpower, equipment and material to service any electrical project. We serve a cross-section of industries including being a qualified contractor to work in the power space for a number of electric utilities as well as offering installation services to communication companies.
2. Carr & Duff has an extensive safety and quality assurance program. We use only qualified electrical workers for work in the electrical space pursuant to Occupational Safety and Health Administration (“OSHA”) regulations 29 CFR § 1910.269. Moreover, we have an extensive safety program and provide all employees with a safety manual, on-going training of safety procedures, and training in the proper use of equipment. We meet the safety standards of the utilities for who we are qualified contractors and build to utility-approved construction specifications and standards.

3. Carr & Duff has worked for NextG Networks, Inc. ("NextG") since 2007. We have installed approximately 800 antennas on utility poles. As a qualified electrical contractor and pursuant to the agreements and construction standards NextG has negotiated with electric utilities in our territory, we have installed many antennas on top of the pole. Where the utility agreement allows, we have completed the necessary make-ready as well. We always work with the utilities to follow their safety procedures.
4. In the work we have completed for NextG, Carr & Duff has not had an incident of injury to our workers, nor have we been informed by an electric utility of any safety or reliability incidents affecting power or its workers. Due to outside influences like automobiles colliding with poles or storms causing trees to fall on lines, we have had to replace a handful of damaged antennas, but coordination of these repairs with the appropriate electric utility was not difficult. We have also cooperated with the utilities in respect to inspections, both pre-, during and post-construction.
5. In our experience, when an electrical contractor follows good work practices and works closely with the affected electrical utilities, antenna installations can be safely done on the top of utility poles. It is also our opinion that make-ready timelines for pole top antennas do not typically take more time than the make-ready time necessary for wireline attachments.
6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the facts set forth in this declaration are true to the best of my knowledge.

Executed this 10<sup>th</sup> day of March, 2011

Jack Duff 